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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY SACRAMENTO

FAIR POLITICAL PRACTICES COMMISSION,	)	Case No.
a state agency,	)	
	)	FPPC No.: 02/098
Plaintiff,	)	
	)	COMPLAINT FOR CIVIL
v.	)	PENALTIES UNDER THE
	)	POLITICAL REFORM ACT OF 1974,
STEPHEN BING,	)	AS AMENDED (Gov. Code §§
	)	91001(b), and 91004)
Defendant.	)	
	)	LIMITED CIVIL ACTION
	)	[Amount demanded exceeds \$10,000]

Plaintiff, FAIR POLITICAL PRACTICES COMMISSION, a state agency, alleges as follows:

1. Plaintiff brings this action in the public interest to enforce the provisions of the Political Reform Act of 1974. (Gov. Code §§ 81000-91014.)

**JURISDICTION**

2. This court has original jurisdiction over the amount in controversy in this matter. As the violation took place in connection with a campaign statement that should have been filed with the California Secretary of State's office, located in the County of Sacramento, the County of Sacramento is the proper venue for this action, pursuant to Code of Civil Procedure section 393.

1 **PARTIES**

2 **PLAINTIFF FAIR POLITICAL PRACTICES COMMISSION**

3 3. Plaintiff Fair Political Practices Commission (the “Commission”) is a state agency  
4 created by the Political Reform Act of 1974 (the “Act”). The Commission has the primary  
5 responsibility for the impartial, effective administration and implement of the Act. (Gov. Code §  
6 83111.) Pursuant to Government Code section 91001, subdivision (b), the Commission is the civil  
7 prosecutor for matters involving state election campaigns, and is authorized to maintain this action under  
8 Government Code sections 91001, subdivision (b), 91004, 91005 and 91005.5.

9 **DEFENDANT STEPHEN BING**

10 4. Defendant Stephen Bing, at all times relevant to this matter, was a major donor  
11 committee as defined in Government Code section 82013, subdivision (c).

12 **CAMPAIGN DISCLOSURE REQUIREMENTS**

13 5. An express purpose of the Act, as set forth in Government Code section 81002,  
14 subdivision (a), is to ensure that the contributions and expenditures affecting election campaigns are  
15 fully and truthfully disclosed to the public, so that voters may be better informed, and so that improper  
16 practices will be inhibited.

17 6. In furtherance of this purpose of disclosure, the Act sets forth a comprehensive campaign  
18 reporting system. (Gov. Code § 84200 et seq.)

19 **CIVIL ENFORCEMENT**

20 7. Pursuant to Government Code section 91004, any person who intentionally or negligently  
21 violates any of the reporting requirements of the Act shall be liable in a civil action in an amount up to  
22 the amount not properly reported. Persons that violate Government Code section 84203 are liable in a  
23 civil action pursuant to Government Code section 91004.

24 **FIRST CAUSE OF ACTION**

25 (FAILURE TO FILE A LATE CONTRIBUTION REPORT)

26 8. Plaintiff realleges, and incorporates herein, paragraphs one through seven.  
27  
28

1           9.       Pursuant to Government Code section 84203, subdivision (a), when a major donor  
2 committee makes a late contribution, the major donor committee must file a late contribution report  
3 within 24 hours of making the contribution.

4           10.      Government Code section 82036 defines a “late contribution” as a contribution  
5 aggregating \$1,000 or more that is received before an election, but after the closing date of the last pre-  
6 election statement.

7           11.      Under Government Code sections 84200.7 and 84200.8, the late contribution reporting  
8 period is the last 16 days before an election. In this matter, the late contribution reporting period for the  
9 March 7, 2000 primary election was February 20, 2000 through March 6, 2000.

10          12.      On February 24, 2000, Defendant made a late contribution of \$500,000 to the statewide  
11 ballot measure committee, Coalition to Save Prop. 10, a Project of Forum for Early Childhood  
12 Development, No on Prop. 28. Said committee existed to defeat the passage of Proposition 28 in the  
13 March 7, 2000 primary election.

14          13.      After making the \$500,000 late contribution, Defendant had a duty to file a late  
15 contribution report no later than February 25, 2000, disclosing the late contribution. Defendant did not  
16 file a late contribution report by the February 25, 2000 due date.

17          14.      By failing to file a late contribution report by February 25, 2000, Defendant violated  
18 Government Code section 84203, subdivision (a).

19               WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

20          1.       For statutory penalties against Defendant, payable to the “General Fund of the State of  
21 California,” according to proof, in an amount up to the amount not properly reported, as permitted by  
22 Government Code section 91004.

23          2.       For such other and further relief as the Court may deem proper.

24 Dated: June 19, 2002

FAIR POLITICAL PRACTICES COMMISSION

25  
26  
27 By:

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Julia Bilaver  
Enforcement Division  
Attorney for Plaintiff